

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEO VICTOR SAVAGE,

Plaintiff,

vs.

Civil Action 2:10-CV-762
Judge Sargus
Magistrate Judge King

DR. SCOTT BERTOLO, DPM,

Defendant.

ORDER

Plaintiff, who is proceeding without the assistance of counsel, brings this civil action alleging that defendant, a podiatrist, violated the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ["FDCPA"], when he attempted to collect a debt allegedly owed to him by plaintiff. On August 26, 2010, the United States Magistrate Judge issued an *Order and Report and Recommendation* granting plaintiff's motion for leave to proceed *in forma pauperis* but recommending that the action be dismissed pursuant to 28 U.S.C. §1915(e) for failure to state a claim upon which relief can be granted. *Order and Report and Recommendation*, Doc. No. 2. The Magistrate Judge specifically reasoned that, because the defendant/creditor was alleged to have been attempting to collect his own debt, he does not qualify as a "debt collector" within the meaning of the FDCPA. *Id.*, citing 25 U.S.C. §1692a(6); *Montgomery v. Huntington Bank*, 346 F.3d 693, 699 (6th Cir. 2003).

Although plaintiff was advised of his right to object to the *Report and Recommendation*, and of the consequences of his failure to object, see *Order and Report and Recommendation*, at 2, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED** pursuant to 28 U.S.C. §1915(e).

The Clerk is DIRECTED to enter FINAL JUDGMENT in this case.

Moreover, the Court CONCLUDES that an appeal from the judgment entered in this case would not be taken in good faith. See 28 U.S.C. §1915(a).

9-21-2010

Date



Edmund A. Sargus, Jr.
United States District Judge